

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )

Anatoly DRITSCHILO et al )

Application No.: 09/382,799 )

Filed: August 25, 1999 )

For: DELIVERY SYSTEM FOR THERAPY )  
COMPRISING HOLLOW SEEDS, )  
PREFERABLY METAL, AND USE )  
THEREOF )



Group Art Unit: 1617

Examiner: E. Webman

#11  
JEP  
5/8/01

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REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed on January 8, 2001,  
Applicants elect with traverse the invention of Group II (i.e., claims 17-24, 26 and 28)  
drawn to a composition (i.e., drug delivery system). Further, for examination  
purposes, Applicants elect "nucleic acid" as active agent and "metal" as seed material.

MPEP §803 states that an application may be properly restricted to one or  
more claimed inventions only if (1) the inventions are independent or distinct as  
claimed, and (2) there is a serious burden on the Examiner if restriction is not  
required. Thus, even if appropriate reasons exist for requiring restriction, such a  
requirement should not be made unless there is an undue burden on the Examiner to  
examine all the claims in a single application.

Here, it is respectfully submitted that the searches involved for the claims  
would be coextensive. As such, it is not believed to be a serious burden on the  
Examiner to examine all of the claims together.

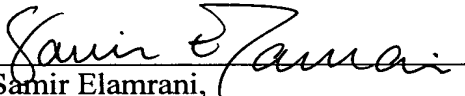
Accordingly, for at least all of the reasons set forth above, withdrawal of the requirement for restriction is requested.

From the foregoing, favorable consideration on the merits is believed to be next in order, and such action is earnestly solicited.

If the Examiner has any questions concerning this Reply, or the application in general, he is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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Date: March 8, 2001